

1 **TITLE V—SAFETY**

2 **SEC. 501. AIRPLANE EMERGENCY LOCATORS.**

3 (a) REQUIREMENT.—Section 44712 is amended—

4 (1) in subsection (b) by striking “Subsection
5 (a) of this section” and inserting “Prior to January
6 1, 2002, subsection (a)”;

7 (2) by redesignating subsection (c) as sub-
8 section (e); and

9 (3) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) NONAPPLICATION BEGINNING ON JANUARY 1,
12 2002.—

13 “(1) IN GENERAL.—Subject to paragraph (2),
14 on and after January 1, 2002, subsection (a) does
15 not apply to—

16 “(A) aircraft when used in scheduled
17 flights by scheduled air carriers holding certifi-
18 cates issued by the Secretary of Transportation
19 under subpart II of this part;

20 “(B) aircraft when used in training oper-
21 ations conducted entirely within a 50-mile ra-
22 dius of the airport from which the training op-
23 erations begin;

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1 “(C) aircraft when used in flight oper-
2 ations related to the design and testing, manu-
3 facture, preparation, and delivery of aircraft;

4 “(D) aircraft when used in research and
5 development if the aircraft holds a certificate
6 from the Administrator of the Federal Aviation
7 Administration to carry out such research and
8 development;

9 “(E) aircraft when used in showing compli-
10 ance with regulations, crew training, exhibition,
11 air racing, or market surveys;

12 “(F) aircraft when used in the aerial appli-
13 cation of a substance for an agricultural pur-
14 pose;

15 “(G) aircraft with a maximum payload ca-
16 pacity of more than 18,000 pounds when used
17 in air transportation; or

18 “(H) aircraft equipped to carry only one
19 individual.

20 “(2) DELAY IN IMPLEMENTATION.—The Ad-
21 ministrator of the Federal Aviation Administration
22 may continue to implement subsection (b) rather
23 than subsection (c) for a period not to exceed 2
24 years after January 1, 2002, if the Administrator
25 finds such action is necessary to promote—

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1 “(A) a safe and orderly transition to the
2 operation of civil aircraft equipped with an
3 emergency locator; or

4 “(B) other safety objectives.

5 “(d) COMPLIANCE.—An aircraft meets the require-
6 ment of subsection (a) if it is equipped with an emergency
7 locator transmitter that transmits on the 121.5/243 mega-
8 hertz frequency or the 406 megahertz frequency or with
9 other equipment approved by the Secretary for meeting
10 the requirement of subsection (a).”.

11 (b) REGULATIONS.—The Secretary shall issue regula-
12 tions to carry out section 44712(c) of title 49, United
13 States Code, as amended by this section, not later than
14 January 1, 2001.

15 **SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEAD-**
16 **LINES.**

17 Section 44716 is amended by adding at the end the
18 following:

19 “(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

20 “(1) IN GENERAL.—The Administrator shall re-
21 quire by regulation that, no later than December 31,
22 2002, collision avoidance equipment be installed on
23 each cargo aircraft with a maximum certificated
24 takeoff weight in excess of 15,000 kilograms.

1 “(2) EXTENSION OF DEADLINE.—The Adminis-
2 trator may extend the deadline established by para-
3 graph (1) by not more than 2 years if the Adminis-
4 trator finds that the extension is needed to
5 promote—

6 “(A) a safe and orderly transition to the
7 operation of a fleet of cargo aircraft equipped
8 with collision avoidance equipment; or

9 “(B) other safety or public interest objec-
10 tives.

11 “(3) COLLISION AVOIDANCE EQUIPMENT DE-
12 FINED.—In this subsection, the term ‘collision avoid-
13 ance equipment’ means equipment that provides pro-
14 tection from mid-air collisions using technology that
15 provides—

16 “(A) cockpit-based collision detection and
17 conflict resolution guidance, including display of
18 traffic; and

19 “(B) a margin of safety of at least the
20 same level as provided by the collision avoidance
21 system known as TCAS-II.”.

22 **SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.**

23 (a) FINDINGS.—Congress finds that—

24 (1) collisions between aircraft and birds have
25 resulted in fatal accidents;

1 (2) bird strikes pose a special danger to smaller
2 aircraft;

3 (3) landfills near airports pose a potential haz-
4 ard to aircraft operating there because they attract
5 birds;

6 (4) even if the landfill is not located in the ap-
7 proach path of the airport’s runway, it still poses a
8 hazard because of the birds’ ability to fly away from
9 the landfill and into the path of oncoming planes;

10 (5) while certain mileage limits have the poten-
11 tial to be arbitrary, keeping landfills at least 6 miles
12 away from an airport, especially an airport served by
13 small planes, is an appropriate minimum require-
14 ment for aviation safety; and

15 (6) closure of existing landfills (due to concerns
16 about aviation safety) should be avoided because of
17 the likely disruption to those who use and depend on
18 such landfills.

19 (b) LIMITATION ON CONSTRUCTION.—Section
20 44718(d) is amended to read as follows:

21 “(d) LIMITATION ON CONSTRUCTION OF LAND-
22 FILLS.—

23 “(1) IN GENERAL.—No person shall construct
24 or establish a municipal solid waste landfill (as de-
25 fined in section 258.2 of title 40, Code of Federal

1 Regulations, as in effect on the date of enactment of
2 this subsection) that receives putrescible waste (as
3 defined in section 257.3–8 of such title) within 6
4 miles of a public airport that has received grants
5 under chapter 471 and is primarily served by gen-
6 eral aviation aircraft and regularly scheduled flights
7 of aircraft designed for 60 passengers or less unless
8 the State aviation agency of the State in which the
9 airport is located requests that the Administrator of
10 the Federal Aviation Administration exempt the
11 landfill from the application of this subsection and
12 the Administrator determines that such exemption
13 would have no adverse impact on aviation safety.

14 “(2) LIMITATION ON APPLICABILITY.—Para-
15 graph (1) shall not apply in the State of Alaska and
16 shall not apply to the construction, establishment,
17 expansion, or modification of, or to any other activ-
18 ity undertaken with respect to, a municipal solid
19 waste landfill if the construction or establishment of
20 the landfill was commenced on or before the date of
21 enactment of this subsection.”.

22 (c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION
23 ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3)
24 is amended—

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1 (1) in subparagraph (A) by striking “or” at the
2 end;

3 (2) in subparagraph (B) by striking the period
4 at the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(C) a violation of section 44718(d), relating to
7 the limitation on construction or establishment of
8 landfills;”.

9 **SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.**

10 (a) IN GENERAL.—Chapter 447 is amended by add-
11 ing at the end the following:

12 **“§ 44725. Life-limited aircraft parts**

13 “(a) IN GENERAL.—The Administrator of the Fed-
14 eral Aviation Administration shall conduct a rulemaking
15 proceeding to require the safe disposition of life-limited
16 parts removed from an aircraft. The rulemaking pro-
17 ceeding shall ensure that the disposition deter installation
18 on an aircraft of a life-limited part that has reached or
19 exceeded its life limits.

20 “(b) SAFE DISPOSITION.—For the purposes of this
21 section, safe disposition includes any of the following
22 methods:

23 “(1) The part may be segregated under cir-
24 cumstances that preclude its installation on an air-
25 craft.

1 “(2) The part may be permanently marked to
2 indicate its used life status.

3 “(3) The part may be destroyed in any manner
4 calculated to prevent reinstallation in an aircraft.

5 “(4) The part may be marked, if practicable, to
6 include the recordation of hours, cycles, or other air-
7 worthiness information. If the parts are marked with
8 cycles or hours of usage, that information must be
9 updated every time the part is removed from service
10 or when the part is retired from service.

11 “(5) Any other method approved by the Admin-
12 istrator.

13 “(c) DEADLINES.—In conducting the rulemaking
14 proceeding under subsection (a), the Administrator
15 shall—

16 “(1) not later than 180 days after the date of
17 enactment of this section, issue a notice of proposed
18 rulemaking; and

19 “(2) not later than 180 days after the close of
20 the comment period on the proposed rule, issue a
21 final rule.

22 “(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No
23 rule issued under subsection (a) shall require the marking
24 of parts removed from aircraft before the effective date
25 of the rules issued under subsection (a), nor shall any such

1 rule forbid the installation of an otherwise airworthy life-
2 limited part.”.

3 (b) CIVIL PENALTY.—Section 46301(a)(3) (as
4 amended by section 503(c) of this Act) is further amended
5 by adding at the end the following:

6 “(D) a violation of section 44725, relating to
7 the safe disposal of life-limited aircraft parts; or”.

8 (c) CONFORMING AMENDMENT.—The analysis for
9 chapter 447 is amended by adding at the end the fol-
10 lowing:

“44725. Life-limited aircraft parts.”.

11 **SEC. 505. COUNTERFEIT AIRCRAFT PARTS.**

12 (a) DENIAL; REVOCATION; AMENDMENT OF CERTIFI-
13 CATE.—

14 (1) IN GENERAL.—Chapter 447 is further
15 amended by adding at the end the following:

16 **“§ 44726. Denial and revocation of certificate for**
17 **counterfeit parts violations**

18 “(a) DENIAL OF CERTIFICATE.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2) of this subsection and subsection (e)(2),
21 the Administrator of the Federal Aviation Adminis-
22 tration may not issue a certificate under this chapter
23 to any person—

24 “(A) convicted in a court of law of a viola-
25 tion of a law of the United States relating to

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1 the installation, production, repair, or sale of a
2 counterfeit or fraudulently-represented aviation
3 part or material; or

4 “(B) subject to a controlling or ownership
5 interest of an individual convicted of such a vio-
6 lation.

7 “(2) EXCEPTION.—Notwithstanding paragraph
8 (1), the Administrator may issue a certificate under
9 this chapter to a person described in paragraph (1)
10 if issuance of the certificate will facilitate law en-
11 forcement efforts.

12 “(b) REVOCATION OF CERTIFICATE.—

13 “(1) IN GENERAL.—Except as provided in sub-
14 sections (f) and (g), the Administrator shall issue an
15 order revoking a certificate issued under this chapter
16 if the Administrator finds that the holder of the cer-
17 tificate or an individual who has a controlling or
18 ownership interest in the holder—

19 “(A) was convicted in a court of law of a
20 violation of a law of the United States relating
21 to the installation, production, repair, or sale of
22 a counterfeit or fraudulently-represented avia-
23 tion part or material; or

24 “(B) knowingly, and with the intent to de-
25 fraud, carried out or facilitated an activity pun-

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1 ishable under a law described in paragraph
2 (1)(A).

3 “(2) NO AUTHORITY TO REVIEW VIOLATION.—

4 In carrying out paragraph (1), the Administrator
5 may not review whether a person violated a law de-
6 scribed in paragraph (1)(A).

7 “(c) NOTICE REQUIREMENT.—Before the Adminis-
8 trator revokes a certificate under subsection (b), the Ad-
9 ministrators shall—

10 “(1) advise the holder of the certificate of the
11 reason for the revocation; and

12 “(2) provide the holder of the certificate an op-
13 portunity to be heard on why the certificate should
14 not be revoked.

15 “(d) APPEAL.—The provisions of section 44710(d)
16 apply to the appeal of a revocation order under subsection
17 (b). For the purpose of applying that section to the appeal,
18 ‘person’ shall be substituted for ‘individual’ each place it
19 appears.

20 “(e) ACQUITTAL OR REVERSAL.—

21 “(1) IN GENERAL.—The Administrator may not
22 revoke, and the National Transportation Safety
23 Board may not affirm a revocation of, a certificate
24 under subsection (b)(1)(B) if the holder of the cer-
25 tificate or the individual referred to in subsection

1 (b)(1) is acquitted of all charges directly related to
2 the violation.

3 “(2) REISSUANCE.—The Administrator may re-
4 issue a certificate revoked under subsection (b) of
5 this section to the former holder if—

6 “(A) the former holder otherwise satisfies
7 the requirements of this chapter for the certifi-
8 cate; and

9 “(B)(i) the former holder or the individual
10 referred to in subsection (b)(1), is acquitted of
11 all charges related to the violation on which the
12 revocation was based; or

13 “(ii) the conviction of the former holder or
14 such individual of the violation on which the
15 revocation was based is reversed.

16 “(f) WAIVER.—The Administrator may waive revoca-
17 tion of a certificate under subsection (b) if—

18 “(1) a law enforcement official of the United
19 States Government requests a waiver; and

20 “(2) the waiver will facilitate law enforcement
21 efforts.

22 “(g) AMENDMENT OF CERTIFICATE.—If the holder
23 of a certificate issued under this chapter is other than an
24 individual and the Administrator finds that—

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1 “(1) an individual who had a controlling or
2 ownership interest in the holder committed a viola-
3 tion of a law for the violation of which a certificate
4 may be revoked under this section or knowingly, and
5 with intent to defraud, carried out or facilitated an
6 activity punishable under such a law; and

7 “(2) the holder satisfies the requirements for
8 the certificate without regard to that individual,
9 then the Administrator may amend the certificate to im-
10 pose a limitation that the certificate will not be valid if
11 that individual has a controlling or ownership interest in
12 the holder. A decision by the Administrator under this
13 subsection is not reviewable by the Board.”.

14 (2) CONFORMING AMENDMENT.—The analysis
15 for such chapter is further amended by adding at
16 the end the following:

“44726. Denial and revocation of certificate for counterfeit parts violations.”.

17 (b) PROHIBITION ON EMPLOYMENT.—Section 44711
18 is amended by adding at the end the following:

19 “(c) PROHIBITION ON EMPLOYMENT OF CONVICTED
20 COUNTERFEIT PART TRAFFICKERS.—No person subject
21 to this chapter may knowingly employ anyone to perform
22 a function related to the procurement, sale, production,
23 or repair of a part or material, or the installation of a
24 part into a civil aircraft, who has been convicted in a court
25 of law of a violation of any Federal law relating to the

1 installation, production, repair, or sale of a counterfeit or
2 fraudulently-represented aviation part or material.”.

3 **SEC. 506. PREVENTION OF FRAUDS INVOLVING AIRCRAFT**
4 **OR SPACE VEHICLE PARTS IN INTERSTATE**
5 **OR FOREIGN COMMERCE.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Aircraft Safety Act of 2000”.

8 (b) DEFINITIONS.—Section 31 of title 18, United
9 States Code, is amended by striking all after the section
10 heading and inserting the following:

11 “(a) DEFINITIONS.—In this chapter, the following
12 definitions apply:

13 “(1) AIRCRAFT.—The term ‘aircraft’ means a
14 civil, military, or public contrivance invented, used,
15 or designed to navigate, fly, or travel in the air.

16 “(2) AVIATION QUALITY.—The term ‘aviation
17 quality’, with respect to a part of an aircraft or
18 space vehicle, means the quality of having been man-
19 ufactured, constructed, produced, maintained, re-
20 paired, overhauled, rebuilt, reconditioned, or restored
21 in conformity with applicable standards specified by
22 law (including applicable regulations).

23 “(3) DESTRUCTIVE SUBSTANCE.—The term
24 ‘destructive substance’ means an explosive sub-
25 stance, flammable material, infernal machine, or

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1 other chemical, mechanical, or radioactive device or
2 matter of a combustible, contaminative, corrosive, or
3 explosive nature.

4 “(4) IN FLIGHT.—The term ‘in flight’ means—

5 “(A) any time from the moment at which
6 all the external doors of an aircraft are closed
7 following embarkation until the moment when
8 any such door is opened for disembarkation;
9 and

10 “(B) in the case of a forced landing, until
11 competent authorities take over the responsi-
12 bility for the aircraft and the persons and prop-
13 erty on board.

14 “(5) IN SERVICE.—The term ‘in service’
15 means—

16 “(A) any time from the beginning of pre-
17 flight preparation of an aircraft by ground per-
18 sonnel or by the crew for a specific flight until
19 24 hours after any landing; and

20 “(B) in any event includes the entire pe-
21 riod during which the aircraft is in flight.

22 “(6) MOTOR VEHICLE.—The term ‘motor vehi-
23 cle’ means every description of carriage or other con-
24 trivance propelled or drawn by mechanical power
25 and used for commercial purposes on the highways

1 in the transportation of passengers, passengers and
2 property, or property or cargo.

3 “(7) PART.—The term ‘part’ means a frame,
4 assembly, component, appliance, engine, propeller,
5 material, part, spare part, piece, section, or related
6 integral or auxiliary equipment.

7 “(8) SPACE VEHICLE.—The term ‘space vehicle’
8 means a man-made device, either manned or un-
9 manned, designed for operation beyond the Earth’s
10 atmosphere.

11 “(9) STATE.—The term ‘State’ means a State
12 of the United States, the District of Columbia, and
13 any commonwealth, territory, or possession of the
14 United States.

15 “(10) USED FOR COMMERCIAL PURPOSES.—
16 The term ‘used for commercial purposes’ means the
17 carriage of persons or property for any fare, fee,
18 rate, charge or other consideration, or directly or in-
19 directly in connection with any business, or other
20 undertaking intended for profit.

21 “(b) TERMS DEFINED IN OTHER LAW.—In this
22 chapter, the terms ‘aircraft engine’, ‘air navigation facil-
23 ity’, ‘appliance’, ‘civil aircraft’, ‘foreign air commerce’,
24 ‘interstate air commerce’, ‘landing area’, ‘overseas air
25 commerce’, ‘propeller’, ‘spare part’, and ‘special aircraft

1 jurisdiction of the United States’ have the meanings given
2 those terms in sections 40102(a) and 46501 of title 49.”.

3 (c) FRAUD.—

4 (1) IN GENERAL.—Chapter 2 of title 18, United
5 States Code, is amended by adding at the end the
6 following:

7 **“§ 38. Fraud involving aircraft or space vehicle parts**
8 **in interstate or foreign commerce**

9 “(a) OFFENSES.—Whoever, in or affecting interstate
10 or foreign commerce, knowingly and with the intent to
11 defraud—

12 “(1)(A) falsifies or conceals a material fact con-
13 cerning any aircraft or space vehicle part;

14 “(B) makes any materially fraudulent represen-
15 tation concerning any aircraft or space vehicle part;
16 or

17 “(C) makes or uses any materially false writing,
18 entry, certification, document, record, data plate,
19 label, or electronic communication concerning any
20 aircraft or space vehicle part;

21 “(2) exports from or imports or introduces into
22 the United States, sells, trades, installs on or in any
23 aircraft or space vehicle any aircraft or space vehicle
24 part using or by means of a fraudulent representa-

1 tion, document, record, certification, depiction, data
2 plate, label, or electronic communication; or

3 “(3) attempts or conspires to commit an offense
4 described in paragraph (1) or (2);
5 shall be punished as provided in subsection (b).

6 “(b) PENALTIES.—The punishment for an offense
7 under subsection (a) is as follows:

8 “(1) AVIATION QUALITY.—If the offense relates
9 to the aviation quality of a part and the part is in-
10 stalled in an aircraft or space vehicle, a fine of not
11 more than \$500,000, imprisonment for not more
12 than 15 years, or both.

13 “(2) FAILURE TO OPERATE AS REP-
14 RESENTED.—If, by reason of the failure of the part
15 to operate as represented, the part to which the of-
16 fense is related is the proximate cause of a malfunc-
17 tion or failure that results in serious bodily injury
18 (as defined in section 1365), a fine of not more than
19 \$1,000,000, imprisonment for not more than 20
20 years, or both.

21 “(3) FAILURE RESULTING IN DEATH.—If, by
22 reason of the failure of the part to operate as rep-
23 resented, the part to which the offense is related is
24 the proximate cause of a malfunction or failure that
25 results in the death of any person, a fine of not

1 more than \$1,000,000, imprisonment for any term
2 of years or life, or both.

3 “(4) OTHER CIRCUMSTANCES.—In the case of
4 an offense under subsection (a) not described in
5 paragraph (1), (2), or (3) of this subsection, a fine
6 under this title, imprisonment for not more than 10
7 years, or both.

8 “(5) ORGANIZATIONS.—If the offense is com-
9 mitted by an organization, a fine of not more than—

10 “(A) \$10,000,000 in the case of an offense
11 described in paragraph (1) or (4); and

12 “(B) \$20,000,000 in the case of an offense
13 described in paragraph (2) or (3).

14 “(c) CIVIL REMEDIES.—

15 “(1) IN GENERAL.—The district courts of the
16 United States shall have jurisdiction to prevent and
17 restrain violations of this section by issuing appro-
18 priate orders, including—

19 “(A) ordering a person (convicted of an of-
20 fense under this section) to divest any interest,
21 direct or indirect, in any enterprise used to
22 commit or facilitate the commission of the of-
23 fense, or to destroy, or to mutilate and sell as
24 scrap, aircraft material or part inventories or
25 stocks;

1 “(B) imposing reasonable restrictions on
2 the future activities or investments of any such
3 person, including prohibiting engagement in the
4 same type of endeavor as used to commit the
5 offense; and

6 “(C) ordering the dissolution or reorga-
7 nization of any enterprise knowingly used to
8 commit or facilitate the commission of an of-
9 fense under this section making due provisions
10 for the rights and interests of innocent persons.

11 “(2) RESTRAINING ORDERS AND PROHIBI-
12 TION.—Pending final determination of a proceeding
13 brought under this section, the court may enter such
14 restraining orders or prohibitions, or take such other
15 actions (including the acceptance of satisfactory per-
16 formance bonds) as the court deems proper.

17 “(3) ESTOPPEL.—A final judgment rendered in
18 favor of the United States in any criminal pro-
19 ceeding brought under this section shall stop the de-
20 fendant from denying the essential allegations of the
21 criminal offense in any subsequent civil proceeding
22 brought by the United States.

23 “(d) CRIMINAL FORFEITURE.—

24 “(1) IN GENERAL.—The court, in imposing sen-
25 tence on any person convicted of an offense under

1 this section, shall order, in addition to any other
2 sentence and irrespective of any provision of State
3 law, that the person forfeit to the United States—

4 “(A) any property constituting, or derived
5 from, any proceeds that the person obtained, di-
6 rectly or indirectly, as a result of the offense;
7 and

8 “(B) any property used, or intended to be
9 used in any manner, to commit or facilitate the
10 commission of the offense, if the court in its
11 discretion so determines, taking into consider-
12 ation the nature, scope, and proportionality of
13 the use of the property on the offense.

14 “(2) APPLICATION OF OTHER LAW.—The for-
15 feiture of property under this section, including any
16 seizure and disposition of the property, and any pro-
17 ceedings relating to the property, shall be governed
18 by section 413 of the Comprehensive Drug Abuse
19 and Prevention Act of 1970 (21 U.S.C. 853) (not
20 including subsection (d) of that section).

21 “(e) CONSTRUCTION WITH OTHER LAW.—This sec-
22 tion does not preempt or displace any other remedy, civil
23 or criminal, provided by Federal or State law for the
24 fraudulent importation, sale, trade, installation, or intro-
25 duction into commerce of an aircraft or space vehicle part.

1 “(f) TERRITORIAL SCOPE.—This section also applies
2 to conduct occurring outside the United States if—

3 “(1) the offender is a natural person who is a
4 citizen or permanent resident alien of the United
5 States, or an organization organized under the laws
6 of the United States or political subdivision thereof;

7 “(2) the aircraft or spacecraft part as to which
8 the violation relates was installed in an aircraft or
9 space vehicle owned or operated at the time of the
10 offense by a citizen or permanent resident alien of
11 the United States, or by an organization thereof; or

12 “(3) an act in furtherance of the offense was
13 committed in the United States.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) CHAPTER ANALYSIS.—The analysis for
16 chapter 2 of title 18, United States Code, is
17 amended by adding at the end the following:

“38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.”.

18 (B) WIRE AND ELECTRONIC COMMUNICA-
19 TIONS.—Section 2516(1)(c) of title 18, United
20 States Code, is amended by inserting “section
21 38 (relating to aircraft parts fraud),” after
22 “section 32 (relating to destruction of aircraft
23 or aircraft facilities),”.

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1 **SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.**

2 Section 46312 is amended—

3 (1) by inserting “(a) GENERAL.—” before “A
4 person”; and

5 (2) by adding at the end the following:

6 “(b) KNOWLEDGE OF REGULATIONS.—For purposes
7 of subsection (a), knowledge by the person of the existence
8 of a regulation or requirement related to the transpor-
9 tation of hazardous material prescribed by the Secretary
10 under this part is not an element of an offense under this
11 section but shall be considered in mitigation of the pen-
12 alty.”.

13 **SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRIC-**
14 **TIONS.**

15 (a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY
16 RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

17 (1) in clause (iii) by striking “or”;

18 (2) in clause (iv) by striking the period at the
19 end and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(v) the Administrator decides it is necessary to
22 ensure air transportation security with respect to
23 passenger, baggage, or property screening at air-
24 ports.”.

25 (b) RECORDS OF EMPLOYMENT OF PILOT APPLI-
26 CANTS.—Section 44936(f) is amended—

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1 (1) in paragraph (1)(B) by inserting “(except a
2 branch of the United States Armed Forces, the Na-
3 tional Guard, or a reserve component of the United
4 States Armed Forces)” after “person” the first
5 place it appears;

6 (2) in paragraph (1)(B)(ii) by striking “indi-
7 vidual” the first place it appears and inserting “indi-
8 vidual’s performance as a pilot”;

9 (3) in paragraph (5) by striking the period at
10 the end of the first sentence and inserting “; except
11 that, for purposes of paragraph (15), the Adminis-
12 trator may allow an individual designated by the Ad-
13 ministrator to accept and maintain written consent
14 on behalf of the Administrator for records requested
15 under paragraph (1)(A).”;

16 (4) in paragraph (13)—

17 (A) by striking “may” and inserting
18 “shall”; and

19 (B) before the semicolon in subparagraph
20 (A)(i) insert “and disseminated under para-
21 graph (15)”;

22 (5) in paragraph (14)(B) by inserting “or from
23 a foreign government or entity that employed the in-
24 dividual” after “exists”; and

25 (6) by adding at the end the following:

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1 “(15) ELECTRONIC ACCESS TO FAA
2 RECORDS.—For the purpose of increasing timely and
3 efficient access to Federal Aviation Administration
4 records described in paragraph (1), the Adminis-
5 trator may allow, under terms established by the Ad-
6 ministrators, an individual designated by the air car-
7 rier to have electronic access to a specified database
8 containing information about such records. The
9 terms shall limit such access to instances in which
10 information in the database is required by the des-
11 ignated individual in making a hiring decision con-
12 cerning a pilot applicant and shall require that the
13 designated individual provide assurances satisfactory
14 to the Administrator that information obtained
15 using such access will not be used for any purpose
16 other than making the hiring decision.”.

17 **SEC. 509. CRIMINAL PENALTY FOR PILOTS OPERATING IN**
18 **AIR TRANSPORTATION WITHOUT AN AIR-**
19 **MAN’S CERTIFICATE.**

20 (a) IN GENERAL.—Chapter 463 is amended by add-
21 ing at the end the following:

1 **“§ 46317. Criminal penalty for pilots operating in air**
2 **transportation without an airman’s cer-**
3 **tificate**

4 “(a) GENERAL CRIMINAL PENALTY.—An individual
5 shall be fined under title 18 or imprisoned for not more
6 than 3 years, or both, if that individual—

7 “(1) knowingly and willfully serves or attempts
8 to serve in any capacity as an airman operating an
9 aircraft in air transportation without an airman’s
10 certificate authorizing the individual to serve in that
11 capacity; or

12 “(2) knowingly and willfully employs for service
13 or uses in any capacity as an airman to operate an
14 aircraft in air transportation an individual who does
15 not have an airman’s certificate authorizing the indi-
16 vidual to serve in that capacity.

17 “(b) CONTROLLED SUBSTANCE CRIMINAL PEN-
18 ALTY.—

19 “(1) CONTROLLED SUBSTANCES DEFINED.—In
20 this subsection, the term ‘controlled substance’ has
21 the meaning given that term in section 102 of the
22 Comprehensive Drug Abuse Prevention and Control
23 Act of 1970 (21 U.S.C. 802).

24 “(2) CRIMINAL PENALTY.—An individual vio-
25 lating subsection (a) shall be fined under title 18 or
26 imprisoned for not more than 5 years, or both, if the

1 violation is related to transporting a controlled sub-
2 stance by aircraft or aiding or facilitating a con-
3 trolled substance violation and that transporting,
4 aiding, or facilitating—

5 “(A) is punishable by death or imprison-
6 ment of more than 1 year under a Federal or
7 State law; or

8 “(B) is related to an act punishable by
9 death or imprisonment for more than 1 year
10 under a Federal or State law related to a con-
11 trolled substance (except a law related to simple
12 possession (as that term is used in section
13 46306(c)) of a controlled substance).

14 “(3) TERMS OF IMPRISONMENT.—A term of
15 imprisonment imposed under paragraph (2) shall be
16 served in addition to, and not concurrently with, any
17 other term of imprisonment imposed on the indi-
18 vidual subject to the imprisonment.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 463 is amended by adding at the end the fol-
21 lowing:

“46317. Criminal penalty for pilots operating in air transportation without an
airman’s certificate.”.

1 **SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE**
2 **RULES.**

3 Not later than 60 days after the date of enactment
4 of this Act, the Administrator shall issue a notice of pro-
5 posed rulemaking to develop procedures to protect air car-
6 riers and their employees from enforcement actions for
7 violations of title 14, Code of Federal Regulations, (other
8 than criminal or deliberate acts) that are reported or dis-
9 covered as a result of voluntary reporting programs, such
10 as the Flight Operations Quality Assurance Program and
11 the Aviation Safety Action Program.

12 **SEC. 511. PENALTIES FOR UNRULY PASSENGERS.**

13 (a) IN GENERAL.—Chapter 463 (as amended by sec-
14 tion 509 of this Act) is further amended by adding at the
15 end the following:

16 **“§ 46318. Interference with cabin or flight crew**

17 “(a) GENERAL RULE.—An individual who physically
18 assaults or threatens to physically assault a member of
19 the flight crew or cabin crew of a civil aircraft or any other
20 individual on the aircraft, or takes any action that poses
21 an imminent threat to the safety of the aircraft or other
22 individuals on the aircraft is liable to the United States
23 Government for a civil penalty of not more than \$25,000.

24 “(b) COMPROMISE AND SETOFF.—

1 “(1) COMPROMISE.—The Secretary may com-
2 promise the amount of a civil penalty imposed under
3 this section.

4 “(2) SETOFF.—The United States Government
5 may deduct the amount of a civil penalty imposed or
6 compromised under this section from amounts the
7 Government owes the person liable for the penalty.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 463 is further amended by adding at the end the
10 following:

 “46318. Interference with cabin or flight crew.”.

11 **SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW EN-**
12 **FORCEMENT OFFICERS.**

13 (a) DEFINITIONS.—In this section, the following defi-
14 nitions apply:

15 (1) AIRCRAFT.—The term “aircraft” has the
16 meaning given that term in section 40102 of title
17 49, United States Code.

18 (2) AIR TRANSPORTATION.—The term “air
19 transportation” has the meaning given that term in
20 such section.

21 (3) PROGRAM.—The term “program” means
22 the program established under subsection (b)(1)(A).

23 (b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE
24 LOCAL LAW ENFORCEMENT OFFICERS.—

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1 (1) IN GENERAL.—The Attorney General
2 may—

3 (A) establish a program under which the
4 Attorney General may deputize State and local
5 law enforcement officers having jurisdiction
6 over airports and airport authorities as Deputy
7 United States Marshals for the limited purpose
8 of enforcing Federal laws that regulate security
9 on board aircraft, including laws relating to vio-
10 lent, abusive, or disruptive behavior by pas-
11 sengers in air transportation; and

12 (B) encourage the participation of law en-
13 forcement officers of State and local govern-
14 ments in the program.

15 (2) CONSULTATION.—In establishing the pro-
16 gram, the Attorney General shall consult with appro-
17 priate officials of—

18 (A) the United States Government (includ-
19 ing the Administrator or a designated rep-
20 resentative of the Administrator); and

21 (B) State and local governments in any ge-
22 ographic area in which the program may oper-
23 ate.

24 (3) TRAINING AND BACKGROUND OF LAW EN-
25 FORCEMENT OFFICERS.—

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1 (A) IN GENERAL.—Under the program, to
2 qualify to serve as a Deputy United States
3 Marshal under the program, a State or local
4 law enforcement officer shall—

5 (i) meet the minimum background
6 and training requirements for a law en-
7 forcement officer under part 107 of title
8 14, Code of Federal Regulations (or equiv-
9 alent requirements established by the At-
10 torney General); and

11 (ii) receive approval to participate in
12 the program from the State or local law
13 enforcement agency that is the employer of
14 that law enforcement officer.

15 (B) TRAINING NOT FEDERAL RESPONSIB-
16 ILITY.—The United States Government shall
17 not be responsible for providing to a State or
18 local law enforcement officer the training re-
19 quired to meet the training requirements under
20 subparagraph (A)(i). Nothing in this subsection
21 may be construed to grant any such law en-
22 forcement officer the right to attend any insti-
23 tution of the United States Government estab-
24 lished to provide training to law enforcement of-
25 ficers of the United States Government.

1 (c) POWERS AND STATUS OF DEPUTIZED LAW EN-
2 FORCEMENT OFFICERS.—

3 (1) IN GENERAL.—Subject to paragraph (2), a
4 State or local law enforcement officer that is depu-
5 tized as a Deputy United States Marshal under the
6 program may arrest and apprehend an individual
7 suspected of violating any Federal law described in
8 subsection (b)(1)(A), including any individual who
9 violates a provision subject to a civil penalty under
10 section 46301 of title 49, United States Code, or
11 section 46302, 46303, 46318, 46504, 46505, or
12 46507 of that title, or who commits an act described
13 in section 46506 of that title.

14 (2) LIMITATION.—The powers granted to a
15 State or local law enforcement officer deputized
16 under the program shall be limited to enforcing Fed-
17 eral laws relating to security on board aircraft in
18 flight.

19 (3) STATUS.—A State or local law enforcement
20 officer that is deputized as a Deputy United States
21 Marshal under the program shall not—

22 (A) be considered to be an employee of the
23 United States Government; or

24 (B) receive compensation from the United
25 States Government by reason of service as a

1 Deputy United States Marshal under the pro-
2 gram.

3 (d) STATUTORY CONSTRUCTION.—Nothing in this
4 section may be construed to—

5 (1) grant a State or local law enforcement offi-
6 cer that is deputized under the program the power
7 to enforce any Federal law that is not described in
8 subsection (c); or

9 (2) limit the authority that a State or local law
10 enforcement officer may otherwise exercise in the of-
11 ficer's capacity under any other applicable State or
12 Federal law.

13 (e) REGULATIONS.—The Attorney General may pro-
14 mulgate such regulations as may be necessary to carry out
15 this section.

16 (f) NOTIFICATION OF CONGRESS.—Not later than 90
17 days after the date of enactment of this Act, the Attorney
18 General shall notify the Committee on Transportation and
19 Infrastructure of the House of Representatives and the
20 Committee on Commerce, Science, and Transportation of
21 the Senate on whether or not the Attorney General intends
22 to establish the program authorized by this section.

23 **SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.**

24 (a) REPORT.—Not later than August 1, 2000, the
25 Administrator shall transmit to the Committee on Trans-

1 portation and Infrastructure of the House of Representa-
2 tives and the Committee on Commerce, Science, and
3 Transportation of the Senate a report on the progress of
4 the Federal Aviation Administration in implementing the
5 air transportation oversight system, including in detail the
6 training of inspectors under the system, the number of
7 inspectors using the system, air carriers subject to the sys-
8 tem, and the budget for the system.

9 (b) REQUIRED CONTENTS.—At a minimum, the re-
10 port shall indicate—

11 (1) any funding or staffing constraints that
12 would adversely impact the Administration's ability
13 to continue to develop and implement the air trans-
14 portation oversight system;

15 (2) progress in integrating the aviation safety
16 data derived from such system's inspections with ex-
17 isting aviation data of the Administration in the
18 safety performance analysis system of the Adminis-
19 tration; and

20 (3) the Administration's efforts in collaboration
21 with the aviation industry to develop and validate
22 safety performance measures and appropriate risk
23 weightings for such system.

24 (c) UPDATE.—Not later than August 1, 2002, the
25 Administrator shall update the report submitted under

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1 this section and transmit the updated report to the com-
2 mittees referred to in subsection (a).

3 **SEC. 514. RUNWAY SAFETY AREAS.**

4 (a) ELIGIBILITY.—Section 47102(3)(B) (as amended
5 by section 122 of this Act) is further amended by adding
6 at the end the following:

7 “(ix) engineered materials arresting
8 systems as described in the Advisory Cir-
9 cular No. 150/5220–22 published by the
10 Federal Aviation Administration on August
11 21, 1998, including any revision to the cir-
12 cular.”.

13 (b) SOLICITATION OF COMMENTS.—Not later than 6
14 months after the date of enactment of this Act, the Ad-
15 ministrator shall solicit comments on the need for the im-
16 provement of runway safety areas through the use of engi-
17 neered materials arresting systems, longer runways, and
18 such other techniques as the Administrator considers ap-
19 propriate.

20 (c) GRANTS FOR ENGINEERED MATERIALS ARREST-
21 ING SYSTEMS.—In making grants under section 47104 of
22 title 49, United States Code, for engineered materials ar-
23 resting systems, the Secretary shall require the sponsor
24 to demonstrate that the effects of jet blasts have been ade-
25 quately considered.

1 (d) GRANTS FOR RUNWAY REHABILITATION.—In
2 any case in which an airport's runways are constrained
3 by physical conditions, the Secretary shall consider alter-
4 native means for ensuring runway safety (other than a
5 safety overrun area) when prescribing conditions for
6 grants for runway rehabilitation.

7 **SEC. 515. PRECISION APPROACH PATH INDICATORS.**

8 Not later than 6 months after the date of enactment
9 of this Act, the Administrator shall solicit comments on
10 the need for the installation of precision approach path
11 indicators.

12 **SEC. 516. AIRCRAFT DISPATCHERS.**

13 (a) STUDY.—The Administrator shall conduct a
14 study of the role of aircraft dispatchers in enhancing avia-
15 tion safety.

16 (b) CONTENTS.—The study shall include an assess-
17 ment of whether or not aircraft dispatchers should be re-
18 quired for those operations not presently requiring aircraft
19 dispatcher assistance, operational control issues related to
20 the aircraft dispatching functions, and whether or not des-
21 ignation of positions within the Federal Aviation Adminis-
22 tration for oversight of dispatchers would enhance aviation
23 safety.

24 (c) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the Administrator shall transmit

1 to Congress a report on the results of the study conducted
2 under this section.

3 **SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POW-**
4 **ERPLANT MECHANICS.**

5 The Administrator shall form a partnership with in-
6 dustry and labor to develop a model program to improve
7 the curricula, teaching methods, and quality of instructors
8 for training individuals that need certification as airframe
9 and powerplant mechanics.

10 **SEC. 518. SMALL AIRPORT CERTIFICATION.**

11 Not later than 60 days after the date of the enact-
12 ment of this Act, the Administrator shall issue a notice
13 of proposed rulemaking on implementing section
14 44706(a)(2) of title 49, United States Code, relating to
15 issuance of airport operating certificates for small sched-
16 uled passenger air carrier operations. Not later than 1
17 year after the last day of the period for public comment
18 provided for in the notice of proposed rulemaking, the Ad-
19 ministrator shall issue a final rule on implementing such
20 program.

21 **SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR**
22 **SAFETY INFORMATION.**

23 (a) GENERAL RULE.—Chapter 421 is amended by
24 adding at the end the following:

1 “SUBCHAPTER III—WHISTLEBLOWER
2 PROTECTION PROGRAM

3 “§ 42121. **Protection of employees providing air safety**
4 **information**

5 “(a) DISCRIMINATION AGAINST AIRLINE EMPLOY-
6 EES.—No air carrier or contractor or subcontractor of an
7 air carrier may discharge an employee or otherwise dis-
8 criminate against an employee with respect to compensa-
9 tion, terms, conditions, or privileges of employment be-
10 cause the employee (or any person acting pursuant to a
11 request of the employee)—

12 “(1) provided, caused to be provided, or is
13 about to provide (with any knowledge of the em-
14 ployer) or cause to be provided to the employer or
15 Federal Government information relating to any vio-
16 lation or alleged violation of any order, regulation,
17 or standard of the Federal Aviation Administration
18 or any other provision of Federal law relating to air
19 carrier safety under this subtitle or any other law of
20 the United States;

21 “(2) has filed, caused to be filed, or is about to
22 file (with any knowledge of the employer) or cause
23 to be filed a proceeding relating to any violation or
24 alleged violation of any order, regulation, or stand-
25 ard of the Federal Aviation Administration or any

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1 other provision of Federal law relating to air carrier
2 safety under this subtitle or any other law of the
3 United States;

4 “(3) testified or is about to testify in such a
5 proceeding; or

6 “(4) assisted or participated or is about to as-
7 sist or participate in such a proceeding.

8 “(b) DEPARTMENT OF LABOR COMPLAINT PROCE-
9 DURE.—

10 “(1) FILING AND NOTIFICATION.—A person
11 who believes that he or she has been discharged or
12 otherwise discriminated against by any person in
13 violation of subsection (a) may, not later than 90
14 days after the date on which such violation occurs,
15 file (or have any person file on his or her behalf) a
16 complaint with the Secretary of Labor alleging such
17 discharge or discrimination. Upon receipt of such a
18 complaint, the Secretary of Labor shall notify, in
19 writing, the person named in the complaint and the
20 Administrator of the Federal Aviation Administra-
21 tion of the filing of the complaint, of the allegations
22 contained in the complaint, of the substance of evi-
23 dence supporting the complaint, and of the opportu-
24 nities that will be afforded to such person under
25 paragraph (2).

1 “(2) INVESTIGATION; PRELIMINARY ORDER.—

2 “(A) IN GENERAL.—Not later than 60
3 days after the date of receipt of a complaint
4 filed under paragraph (1) and after affording
5 the person named in the complaint an oppor-
6 tunity to submit to the Secretary of Labor a
7 written response to the complaint and an oppor-
8 tunity to meet with a representative of the Sec-
9 retary to present statements from witnesses,
10 the Secretary of Labor shall conduct an inves-
11 tigation and determine whether there is reason-
12 able cause to believe that the complaint has
13 merit and notify, in writing, the complainant
14 and the person alleged to have committed a vio-
15 lation of subsection (a) of the Secretary’s find-
16 ings. If the Secretary of Labor concludes that
17 there is a reasonable cause to believe that a vio-
18 lation of subsection (a) has occurred, the Sec-
19 retary shall accompany the Secretary’s findings
20 with a preliminary order providing the relief
21 prescribed by paragraph (3)(B). Not later than
22 30 days after the date of notification of find-
23 ings under this paragraph, either the person al-
24 leged to have committed the violation or the
25 complainant may file objections to the findings

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1 or preliminary order, or both, and request a
2 hearing on the record. The filing of such objec-
3 tions shall not operate to stay any reinstatement
4 remedy contained in the preliminary
5 order. Such hearings shall be conducted expedi-
6 tiously. If a hearing is not requested in such
7 30-day period, the preliminary order shall be
8 deemed a final order that is not subject to judi-
9 cial review.

10 “(B) REQUIREMENTS.—

11 “(i) REQUIRED SHOWING BY COM-
12 PLAINANT.—The Secretary of Labor shall
13 dismiss a complaint filed under this sub-
14 section and shall not conduct an investiga-
15 tion otherwise required under subpara-
16 graph (A) unless the complainant makes a
17 prima facie showing that any behavior de-
18 scribed in paragraphs (1) through (4) of
19 subsection (a) was a contributing factor in
20 the unfavorable personnel action alleged in
21 the complaint.

22 “(ii) SHOWING BY EMPLOYER.—Not-
23 withstanding a finding by the Secretary
24 that the complainant has made the show-
25 ing required under clause (i), no investiga-

1 tion otherwise required under subpara-
2 graph (A) shall be conducted if the em-
3 ployer demonstrates, by clear and con-
4 vincing evidence, that the employer would
5 have taken the same unfavorable personnel
6 action in the absence of that behavior.

7 “(iii) CRITERIA FOR DETERMINATION
8 BY SECRETARY.—The Secretary may de-
9 termine that a violation of subsection (a)
10 has occurred only if the complainant dem-
11 onstrates that any behavior described in
12 paragraphs (1) through (4) of subsection
13 (a) was a contributing factor in the unfa-
14 vorable personnel action alleged in the
15 complaint.

16 “(iv) PROHIBITION.—Relief may not
17 be ordered under subparagraph (A) if the
18 employer demonstrates by clear and con-
19 vincing evidence that the employer would
20 have taken the same unfavorable personnel
21 action in the absence of that behavior.

22 “(3) FINAL ORDER.—

23 “(A) DEADLINE FOR ISSUANCE; SETTLE-
24 MENT AGREEMENTS.—Not later than 120 days
25 after the date of conclusion of a hearing under

1 paragraph (2), the Secretary of Labor shall
2 issue a final order providing the relief pre-
3 scribed by this paragraph or denying the com-
4 plaint. At any time before issuance of a final
5 order, a proceeding under this subsection may
6 be terminated on the basis of a settlement
7 agreement entered into by the Secretary of
8 Labor, the complainant, and the person alleged
9 to have committed the violation.

10 “(B) REMEDY.—If, in response to a com-
11 plaint filed under paragraph (1), the Secretary
12 of Labor determines that a violation of sub-
13 section (a) has occurred, the Secretary of Labor
14 shall order the person who committed such vio-
15 lation to—

16 “(i) take affirmative action to abate
17 the violation;

18 “(ii) reinstate the complainant to his
19 or her former position together with the
20 compensation (including back pay) and re-
21 store the terms, conditions, and privileges
22 associated with his or her employment; and

23 “(iii) provide compensatory damages
24 to the complainant.

1 If such an order is issued under this paragraph,
2 the Secretary of Labor, at the request of the
3 complainant, shall assess against the person
4 against whom the order is issued a sum equal
5 to the aggregate amount of all costs and ex-
6 penses (including attorneys' and expert witness
7 fees) reasonably incurred, as determined by the
8 Secretary of Labor, by the complainant for, or
9 in connection with, the bringing the complaint
10 upon which the order was issued.

11 “(C) FRIVOLOUS COMPLAINTS.—If the
12 Secretary of Labor finds that a complaint
13 under paragraph (1) is frivolous or has been
14 brought in bad faith, the Secretary of Labor
15 may award to the prevailing employer a reason-
16 able attorney's fee not exceeding \$1,000.

17 “(4) REVIEW.—

18 “(A) APPEAL TO COURT OF APPEALS.—
19 Any person adversely affected or aggrieved by
20 an order issued under paragraph (3) may ob-
21 tain review of the order in the United States
22 Court of Appeals for the circuit in which the
23 violation, with respect to which the order was
24 issued, allegedly occurred or the circuit in which
25 the complainant resided on the date of such vio-

1 lation. The petition for review must be filed not
2 later than 60 days after the date of the
3 issuance of the final order of the Secretary of
4 Labor. Review shall conform to chapter 7 of
5 title 5, United States Code. The commencement
6 of proceedings under this subparagraph shall
7 not, unless ordered by the court, operate as a
8 stay of the order.

9 “(B) LIMITATION ON COLLATERAL AT-
10 TACK.—An order of the Secretary of Labor
11 with respect to which review could have been
12 obtained under subparagraph (A) shall not be
13 subject to judicial review in any criminal or
14 other civil proceeding.

15 “(5) ENFORCEMENT OF ORDER BY SECRETARY
16 OF LABOR.—Whenever any person has failed to com-
17 ply with an order issued under paragraph (3), the
18 Secretary of Labor may file a civil action in the
19 United States district court for the district in which
20 the violation was found to occur to enforce such
21 order. In actions brought under this paragraph, the
22 district courts shall have jurisdiction to grant all ap-
23 propriate relief including, but not limited to, injunc-
24 tive relief and compensatory damages.

25 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

1 “(A) COMMENCEMENT OF ACTION.—A per-
2 son on whose behalf an order was issued under
3 paragraph (3) may commence a civil action
4 against the person to whom such order was
5 issued to require compliance with such order.
6 The appropriate United States district court
7 shall have jurisdiction, without regard to the
8 amount in controversy or the citizenship of the
9 parties, to enforce such order.

10 “(B) ATTORNEY FEES.—The court, in
11 issuing any final order under this paragraph,
12 may award costs of litigation (including reason-
13 able attorney and expert witness fees) to any
14 party whenever the court determines such
15 award is appropriate.

16 “(c) MANDAMUS.—Any nondiscretionary duty im-
17 posed by this section shall be enforceable in a mandamus
18 proceeding brought under section 1361 of title 28, United
19 States Code.

20 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
21 TIONS.—Subsection (a) shall not apply with respect to an
22 employee of an air carrier, contractor, or subcontractor
23 who, acting without direction from such air carrier, con-
24 tractor, or subcontractor (or such person’s agent), delib-
25 erately causes a violation of any requirement relating to

1 air carrier safety under this subtitle or any other law of
2 the United States.

3 “(e) CONTRACTOR DEFINED.—In this section, the
4 term ‘contractor’ means a company that performs safety-
5 sensitive functions by contract for an air carrier.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
7 chapter 421 is amended by adding at the end the fol-
8 lowing:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM
“42121. Protection of employees providing air safety information.”.

9 (c) CIVIL PENALTY.—Section 46301(a)(1)(A) is
10 amended by striking “subchapter II of chapter 421” and
11 inserting “subchapter II or III of chapter 421”.

12 **SEC. 520. OCCUPATIONAL INJURIES OF AIRPORT WORK-**
13 **ERS.**

14 (a) STUDY.—The Administrator shall conduct a
15 study to determine the number of persons working at air-
16 ports who are injured or killed as a result of being struck
17 by a moving vehicle while on an airport tarmac, the seri-
18 ousness of the injuries to such persons, and whether or
19 not reflective safety vests or other actions should be re-
20 quired to enhance the safety of such workers.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Administrator shall transmit

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- 1 to Congress a report on the results of the study conducted
- 2 under this section.